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KATHLEEN SHEPARD

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

KATHLEEN SHEPARD,)	Case No.: 2:15-cv-1972
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
v.)	(Unlawful Debt Collection Practices)
)	
KOHL'S CORPORATION,)	
)	
Defendant.)	

KATHLEEN SHEPARD (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against KOHL'S CORPORATION (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this Court over Counts I of Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the state claims contained herein.
4. Defendant conducts business in the State of California thereby establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Lynwood, Los Angeles County, California.
7. Defendant is a business entity with a principal place of business in Menomonee Falls, Wisconsin.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. In or around 2014, Defendant began constantly and continuously placing collection calls to Plaintiff seeking and demanding payment for an alleged debt.
10. Plaintiff's alleged debt arose through a consumer credit transaction.
11. Defendant places collection calls from telephone numbers, including, but not limited to, 262-703-1977 and 414-257-2339.
12. Defendant places collection calls to Plaintiff's cellular telephone at phone number 424-237-08XX.
13. Per its prior business practices, each of Defendant's calls were placed using an automatic telephone dialing system.
14. On several occasions, including in or around August, 2014, Plaintiff spoke to Defendant,

1 informed Defendant that she was currently unable to make payments, and requested that
2 Defendant cease placing collection calls to her cellular telephone.

3 15. Plaintiff revoked any consent, express, implied, or otherwise, to receive collection calls
4 from Defendant.

5 16. Despite Plaintiff's request to cease, Defendant placed at least two hundred and nine
6 (209) collection calls to Plaintiff between August, 2014 to December, 2014, including up
7 to five (5) calls in a single day.

8 **COUNT I**

9 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT**

10 17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA,
11 entitling Plaintiff to an award of \$500.00 in statutory damages for each and every
12 violation pursuant to 47 U.S.C. § 227(b)(3)(B).

13 18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or
14 willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory
15 damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47
16 U.S.C. § 227(b)(3)(C).

17 Wherefore, Plaintiff, KATHLEEN SHEPARD, respectfully requests judgment be entered
18 against Defendant, KOHL'S CORPORATION for the following:

19 19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA
20 pursuant to 47 U.S.C. § (b)(3)(B);

21 20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of
22 the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

23 21. All court costs, witness fees and other fees incurred; and

24 22. Any other relief that this Honorable Court deems appropriate.
25

COUNT II
DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT

23. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

24. Defendant violated the RFDCPA based on the following:

- a. Defendant violated § 1788.11(d) of the RFDCPA by causing a telephone to ring repeatedly or continuously to annoy the person called;
- b. Defendant violated § 1788.11(e) of the RFDCPA by communicating with Plaintiff with such frequency as to be unreasonable and to constitute a harassment to Plaintiff.
- c. Defendant violated § 1788.17 of the RFDCPA by failing to comply with the Fair Debt Collection Practices, Act, 15 U.S.C. § 1692 *et seq.*, to wit:

1. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff;
2. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly or continuously with intent to annoy, harass, or abuse Plaintiff.

WHEREFORE, Plaintiff, KATHLEEN SHEPARD, respectfully requests judgment be entered against Defendant, KOHL'S CORPORATION for the following:

25. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788.30(b),
26. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ Code § 1788.30(c), and
27. Any other relief that this Honorable Court deems appropriate.

1 DATED: March 17, 2015

RESPECTFULLY SUBMITTED,

2 KROHN & MOSS, LTD.

3
4 By: /s/Ryan Lee
Ryan Lee
5 Attorney for Plaintiff

6
7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, KATHLEEN SHEPARD demands a jury trial in
9 this case.